

# Attachment 1: Development Variance Permit



## Development Variance Permit DVP18-0245

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This permit relates to land in the City of Kelowna municipally known as 4663 Fuller Rd

and legally known as Lot B, Section 25, Township, 28, SDYD Plan EPP 81401

and permits the land to be used for the following development:

To vary Zoning Bylaw 8000 Section 13.1.6(d): to reduce the north side yard set-back from 2.0m to 1.5m.

And to vary Section 7.6.1(e): to vary the required combined south side setback and landscape buffer from 5.0m to 3.0m.

AND THAT Council's consideration of this Development Permit be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated February 12, 2019;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Variance Permit Application in order for the permits to be issued;

AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

The present owner and any subsequent owner of the above described land must comply with any attached terms and conditions.

Decision By: COUNCIL

**This permit will not be valid if development has not commenced by February 12, 2021.**

Existing Zone: RU1 – Large Lot Residential Future Land Use Designation: S2RES – Single/Two Unit Residential

### **This is NOT a Building Permit.**

In addition to your Development Variance Permit, a Building Permit may be required prior to any work commencing. For further information, contact the City of Kelowna, Development Services Branch.

### **NOTICE**

This permit does not relieve the owner or the owner's authorized agent from full compliance with the requirements of any federal, provincial or other municipal legislation, or the terms and conditions of any easement, covenant, building scheme or agreement affecting the building or land.

Owner: Jason Schindel & Amanda Schindel

Applicant: Gary Schrik

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Ryan Smith  
Community Planning Department Manager  
Community Planning & Strategic Investments

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Date

## 1. SCOPE OF APPROVAL

This Development Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.

This Development Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this permit, noted in the Terms and Conditions below.

The issuance of a permit limits the permit holder to be in strict compliance with regulations of the Zoning Bylaw and all other Bylaws unless specific variances have been authorized by the Development Permit. No implied variances from bylaw provisions shall be granted by virtue of drawing notations that are inconsistent with bylaw provisions and that may not have been identified as required Variances by the applicant or Municipal staff.

## 2. CONDITIONS OF APPROVAL

- a) The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
- b) Landscaping buffer to be provided on the land be in accordance with Schedule "B"; and
- c) The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect.

This Development Permit is valid for two (2) years **from the date of Council approval**, with no opportunity to extend.

## 3. PERFORMANCE SECURITY

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Developer and be paid to the Developer or his or her designate if the security is returned. The condition of the posting of the security is that should the Developer fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use enter into an agreement with the property owner of the day to have the work carried out, and any surplus shall be paid over to the property own of the day. Should the Developer carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Developer or his or her designate. There is filed accordingly:

- a) An Irrevocable Letter of Credit in the amount of [To be determined]

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

## 5. INDEMNIFICATION

Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:

- a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality said Permit.

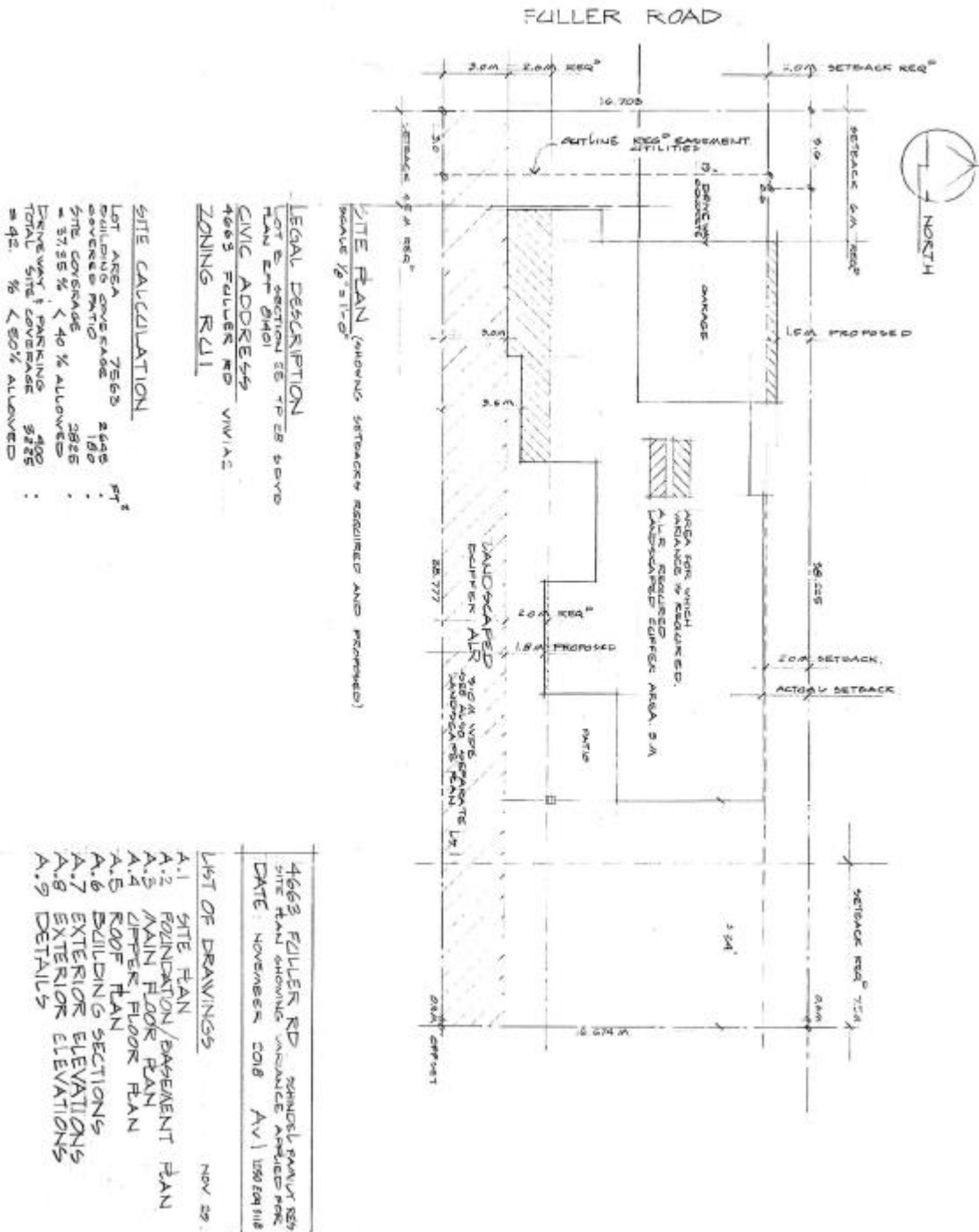
All costs, expenses, claims that may be incurred by the Municipality where the construction, engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

**The PERMIT HOLDER is the CURRENT LAND OWNER.  
Security shall ONLY be returned to the signatory of the  
Landscape Agreement or their designates.**

# SCHEDULE A – Site Plan



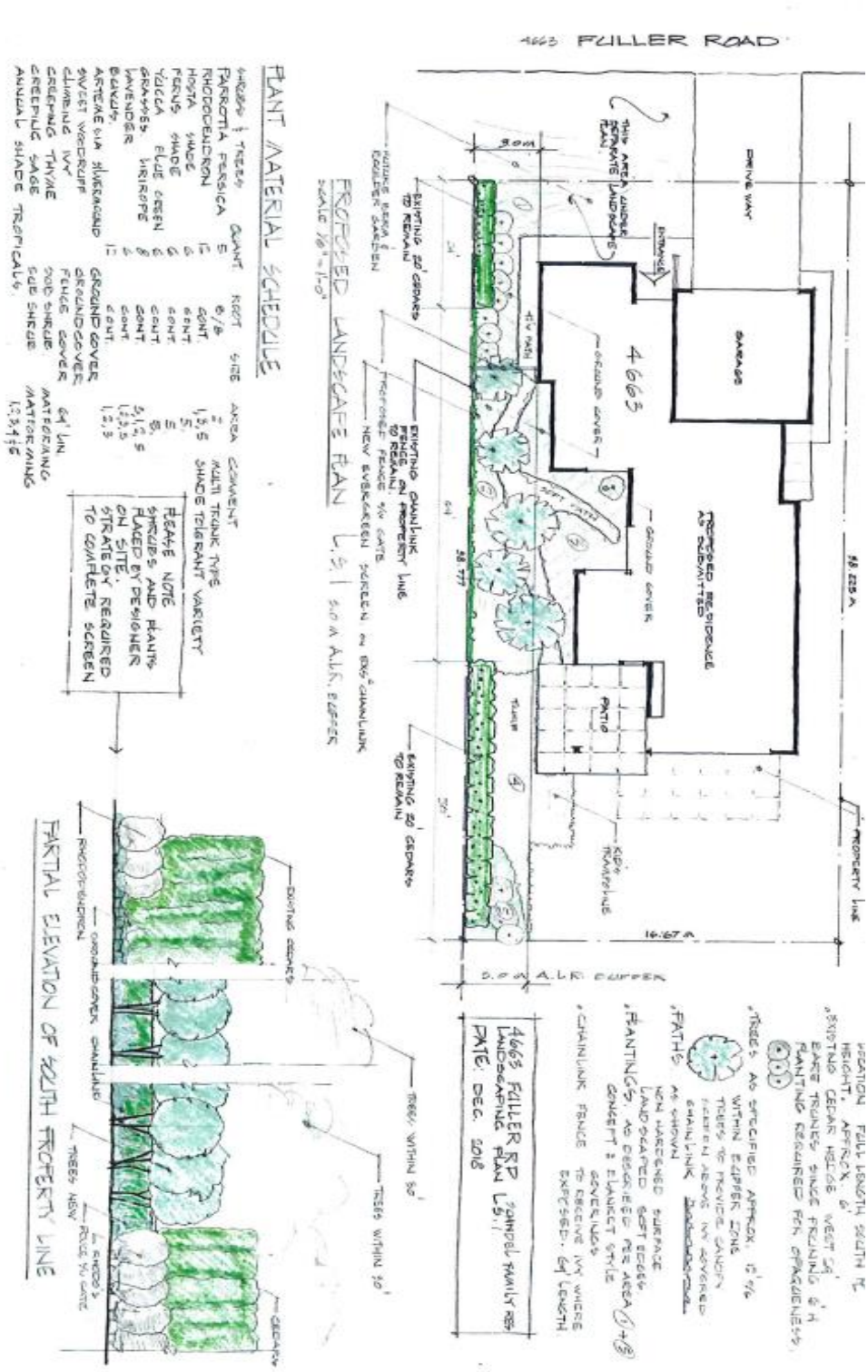
Subject: 4663 Fuller Rd (Application DVP18-0245)



# SCHEDULE B – Landscape Plan



Subject: 4663 Fuller Rd (Application DVP18-0245)



# SCHEDULE C – Application Letter



**Subject:** 4663 Fuller Rd (Application DVP18-0245)

January 6, 2019

Dear Neighbor,

My husband and I, Jason and Amanda Schindel, have purchased the remaining lot (4663 Fuller) created from the splitting in two of the property, formerly 4659 Fuller. We are very excited to move to this beautiful neighborhood, where our parents and our children's grandparents also live, and build a home for our family of five.

We are contacting our future neighbors to let them know and give details about the variance we have proposed to the city (application number: DVP18-0245) asking for partial reduction of the building setback at the front portion of the home. Because our lot borders a property (4669 Fuller Rd) designated as ALR, we are additionally required to provide a 3-meter landscape buffer in addition to the standard 2-meter building setback. We are committed to fully complying with the required ALR landscape buffer and will be preserving the existing mature cedar hedging along the ALR property border as well as introducing additional trees and plantings. We have included the landscape plan for your reference.

The home that was previously on the property, that our lot was created from, was situated 3 meters back from the ALR property border which was previously the required setback. Since our lot is narrow at 16.7 meters, we hope to achieve this same setback of 3 meters for the front portion of our home instead of the 3 meters plus 2 meters as would now be required. The variance is required only for the front portion of the home, while the remaining area will comply with all required setbacks. Please find the attached site plan for details. You may visit the City of Kelowna website (link below) for additional details of our application. Feel free to contact us directly by phone or email or contact Alex Kondor in the city planning department.

Kind regards,

Amanda and Jason Schindel

Amanda Schindel  
Property Owner  
250-300-4087  
famfivekelowna@gmail.com

Alex Kondor  
City of Kelowna Planning Department  
250-469-8582  
akondor@kelowna.ca

Application link: <https://www.kelowna.ca/homes-building/property-development/current-developments/dvp18-0245>